

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL

Writ Petition No. 1507 (S/S) of 2004

Kishore Kumar,
son of late Sri Prem Charan,
R/o B.D. Pandey Hospital,
District – Nainital.

.....Petitioner

Versus

Chief Medical Superintendent
B.D. Pandey Hospital,
Nainital.

...Opposite Party.

Hon'ble M.M. Ghildiyal, J

Heard Sri Sharad Sharma, learned counsel for the petitioner and learned Standing Counsel, who has accepted notice on behalf of respondent.

Learned counsel for the parties are agreed that the writ petition may be decided at its admission stage itself.

By means of the present petition, the petitioner, who is working as Sweeper in B.D. Pandey Hospital , Nainital, has prayed to issue a writ in the nature of Mandamus commanding the respondent to accommodate the petitioner by job assignment of Room Attendant taking into consideration the ailment of the petitioner.

The contention of the petitioner is that he was suffering from heart ailment and has undergone Coronary Angiography from SGPGI and also there is advice of doctor not to do that work, which gives exertion to his body.

Consequently, petitioner has moved an application to CMS, B.D. Pandey Hospital, Nainital – respondent to accommodate him by giving job assignment of Room Attendant as the post of Room Attendant is vacant in the hospital considering his ill health.

In view of the facts stated above, I direct the respondent to decide the representation of the petitioner dated 21.1.2003 (Annexure No. 4 to the writ petition) within a period of two weeks from today while taking the decision on the representation of the petitioner the respondent shall take into account ailment of petitioner and advice (Annexure No. 2 to writ petition).

With this direction the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

December 20, 2004
S.K.Sharma